

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

36TH LEGISLATIVE DAY

TUESDAY, MAY 8, 2001

12:00 O'CLOCK NOON

No. 36
[May 8, 2001]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Pastor Rick Wenneborg, Chatham Christian Church,
 Chatham, Illinois.

Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, May 2, 2001, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, May 3, 2001, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A status report of pending projects for the construction, renovation or rehabilitation of a school building or related facility submitted by the Public Building Commission of Chicago pursuant to Senate Bill 265, which amended Section 19.1 of the Public Building Commission Act (50 ILCS 20/1 et. seq.).

The 13th annual report on Nonhazardous Solid Waste Management and Landfill Capacity in Illinois: 1999 submitted by the Illinois Environmental Protection Agency in accordance with Section 4 of the Illinois Solid Waste Management Act.

The Thirteenth Annual Toxic Chemical Report: A Summary of Information Contained in the Toxic Chemical Report Forms for Calendar Year 1999 submitted by the Illinois Environmental Protection Agency in compliance with Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA).

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 2259
 Senate Amendment No. 1 to House Bill 2290

REPORTS FROM STANDING COMMITTEES

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred House Bills numbered 250, 254, 266, 267, 478, 513, 1465, 1466, 2662 and 2665 reported the same back with the recommendation that the bills do pass.

[May 8, 2001]

Under the rules, the bills were ordered to a second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred House Bills numbered 2099, 2157, 2367 and 2419 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred House Bills numbered 1008, 1810, 1988 and 3576 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred House Bills numbered 27, 215, 1478, 1973 and 2277 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 1 to House Bill 1972

Amendment No. 1 to House Bill 3145

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred House Bills numbered 447, 638, 1819, 1911, 3002 and 3126 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred House Bills numbered 279, 1684, 2276, 2492 and 3003 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 979

A bill for AN ACT concerning schools.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 979

[May 8, 2001]

Passed the House, as amended, May 3, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 979

AMENDMENT NO. 1. Amend Senate Bill 979 on page 3, line 20, after "liability", by inserting ", except for willful and wanton conduct,"; and on page 3, line 24, after "liability", by inserting ", except for willful and wanton conduct,"; and on page 3, line 28, after "claims", by inserting ", except a claim based on willful and wanton conduct,".

Under the rules, the foregoing Senate Bill No. 979, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 10

WHEREAS, The improvement of standards for the delivery of educational services has resulted in a recognition of a need for programs of increased accountability, qualifications, and demonstrated competency of instructional personnel in the public schools; and

WHEREAS, Paraprofessionals in the classrooms are an integral and necessary part of the instructional program of public schools and must be recognized as vital partners in the quest for educational excellence and reform; and

WHEREAS, National professional organizations representing paraprofessionals have encouraged standards to ensure that paraprofessionals are well prepared to work with children; and

WHEREAS, Other states have studied and outlined employment criteria and training requirements for paraprofessionals; and

WHEREAS, The State of Illinois does not require any specialized education for paraprofessionals working in regular and special education programs; and

WHEREAS, The General Assembly has been a strong proponent of education reform measures directed toward upgrading the quality of public education, raising standards for teacher certification, and increased responsibility and accountability by instructional personnel; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that for the purposes of this Resolution, "paraprofessional" means an employee, other than a teacher, in a school (i) whose position is either instructional in nature or who delivers other direct services to students or their parents and (ii) who serves in a position for which a teacher or another professional has the ultimate responsibility for the design, implementation, and evaluation of individual education programs or related services and for student performance; and be it further

RESOLVED, That there is created the Task Force on Paraprofessionals consisting of the following members: two members of the Senate appointed by the President of the Senate; two members of the House of Representatives appointed by the Speaker of the House; one teacher who is a member of the Illinois Federation of

[May 8, 2001]

Teachers and one teacher who is a member of the Illinois Education Association, each appointed by the State Superintendent of Education; eight paraprofessionals appointed by the State Superintendent of Education, chosen from a list of nominees provided by the Illinois Federation of Teachers and the Illinois Education Association in proportion to the membership of each organization; one member appointed by the Illinois Association of School Boards; one member appointed by the Illinois Parent Teacher Association; one member appointed by the Illinois Association of School Administrators; one member from the State Teacher Certification Board appointed by the State Superintendent of Education; one member representing the higher education community appointed by the State Superintendent of Education; one member representing the Illinois Speech-Language-Hearing Association appointed by the State Superintendent of Education; one member representing the State Board of Education's Staff Development Division appointed by the State Superintendent of Education; one member representing a statewide council of special education administrators appointed by the State Superintendent of Education; and one member appointed by the Governor, who shall serve as chairperson of the Task Force; and be it further

RESOLVED, That the members of the Task Force shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds available for that purpose; the State Board of Education shall provide staff support to the Task Force; and be it further

RESOLVED, That the Task Force shall study and make recommendations to the Governor on the licensure of paraprofessionals who work with children in the public schools of Illinois and shall determine entry level standards, training and experience requirements for entering the career, guidelines for education and experience requirements for career advancement, appropriate roles and responsibilities, and a mechanism to enhance job mobility within and between school districts; and be it further

RESOLVED, That the Task Force shall report its recommendations to the Governor one year after the adoption of this Resolution; and that upon filing its report the Task Force is dissolved.

Adopted by the House, March 26, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 10, was referred to the Committee on Rules.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 37

A bill for AN ACT concerning criminal law.

SENATE BILL NO 49

A bill for AN ACT concerning home mortgages.

SENATE BILL NO 114

A bill for AN ACT in relation to emergency medical services.

Passed the House, May 3, 2001.

ANTHONY D. ROSSI, Clerk of the House

[May 8, 2001]

A message from the House by
 Mr. Rossi, Clerk:
 Mr. President -- I am directed to inform the Senate that the
 House of Representatives has concurred with the Senate in the
 adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 31

Concurred in by the House, May 3, 2001.

ANTHONY D. ROSSI, Clerk of the House

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 134

Offered by Senator Link and all Senators:

Mourns the death of Bruno R. Somenzi of Highland Park.

The foregoing resolution was referred to the Resolutions Consent
 Calendar.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator W. Jones, House Bill No. 509 was taken up,
 read by title a second time and ordered to a third reading.

On motion of Senator Myers, House Bill No. 752 was taken up, read
 by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 922 was taken up,
 read by title a second time and ordered to a third reading.

On motion of Senator Klemm, House Bill No. 1201 was taken up,
 read by title a second time and ordered to a third reading.

On motion of Senator Klemm, House Bill No. 1202 was taken up,
 read by title a second time and ordered to a third reading.

On motion of Senator Peterson, House Bill No. 1277 was taken up,
 read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 1630 was taken up,
 read by title a second time and ordered to a third reading.

On motion of Senator Peterson, House Bill No. 1700 was taken up,
 read by title a second time and ordered to a third reading.

On motion of Senator Weaver, House Bill No. 1776 was taken up,
 read by title a second time and ordered to a third reading.

On motion of Senator Klemm, House Bill No. 1805 was taken up,
 read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, House Bill No. 1954 was taken up,
 read by title a second time and ordered to a third reading.

EXCUSED FROM ATTENDANCE

[May 8, 2001]

On motion of Senator Demuzio, Senator E. Jones was excused from attendance today, Wednesday, May 9, 2001, Thursday, May 10, 2001 and Friday, May 11, 2001 due to family illness.

Senator Maitland was excused from attendance due to illness.

Senator Lightford was excused from attendance due to illness.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Sieben, House Bill No. 1972 having been printed, was taken up and read by title a second time.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1972 by replacing everything after the enacting clause with the following:

"Section 5. The Public Library District Act of 1991 is amended by changing Section 30-20 as follows:

(75 ILCS 16/30-20)

Sec. 30-20. Nomination of candidates; ballot.

(a) Nomination of candidates for election as trustees shall be by petition, signed by a number of qualified voters equivalent to at least 2% of the votes cast at the last election for library trustees, or 50, whichever is less, 50-voters residing within the district, and filed with the secretary of the district within the time provided by the Election Code. No party name or affiliation may appear on the petition.

(b) The names of all candidates for the office of trustee shall be certified by the secretary to the proper election authority, who shall conduct the election in accordance with the Election Code.

(c) The ballot for election of trustees shall not designate any political party, platform, or political principle.

(Source: P.A. 87-1277.)".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Obama, House Bill No. 2011 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, House Bill No. 2247 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 2282 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, House Bill No. 2290 was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Dillard, House Bill No. 2296 was taken up, read by title a second time and ordered to a third reading.

[May 8, 2001]

On motion of Senator Sullivan, House Bill No. 2539 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, House Bill No. 2566 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, House Bill No. 3024 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, House Bill No. 3188 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3188 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 7-103.1 as follows:

(735 ILCS 5/7-103.1)

Sec. 7-103.1. Quick-take; highway purposes. Quick-take proceedings under Section 7-103 may be used by the State of Illinois, the Illinois Toll Highway Authority or the St. Louis Metropolitan Area Airport Authority for the acquisition of land or interests in land therein for highway purposes.

(Source: P.A. 91-357, eff. 7-29-99.)"

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Sieben, House Bill No. 3204 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3204, on page 2, line 26, after "documents", by inserting "between the parties to the contract".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 3209 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Donahue, House Bill No. 3217 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, House Bill No. 3491 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, House Bill No. 3492 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, House Bill No. 3493 was taken up, read by title a second time and ordered to a third reading.

READING A BILL OF THE SENATE A THIRD TIME

[May 8, 2001]

On motion of Senator Weaver, Senate Bill No. 1264, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 41; Nays 7; Present 5.

The following voted in the affirmative:

Bowles
Burzynski
Clayborne
Cronin
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hendon
Jacobs
Jones, W.
Karpiel
Klemm
Lauzen
Link
Madigan, R.
Mahar
Munoz
Myers
Noland
O'Daniel
O'Malley
Parker
Peterson
Radogno
Rauschenberger
Roskam
Sieben
Smith
Sullivan
Syverson
Viverito
Walsh, L.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

del Valle
Hawkinson
Madigan, L.
Obama
Ronen
Shadid
Silverstein

[May 8, 2001]

The following voted present:

Bomke
Cullerton
Luechtefeld
Shaw
Walsh, T.

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Karpel announced that there will be a Republican caucus immediately upon adjournment.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 325, sponsored by Senator Myers was taken up, read by title a first time and referred to the on Committee Rules.

House Bill No. 1820, sponsored by Senator Petka was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1926, sponsored by Senator L. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1958, sponsored by Senators Dillard - Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1982, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2098, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2108, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3583, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

PRESENTATION OF RESOLUTION

Senators R. Madigan - Demuzio - Radogno - Noland - Myers, Burzynski, Bomke, Donahue, Mahar, Sullivan offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 32

WHEREAS, In 1980, the General Assembly authorized the Teachers' Retirement System of the State of Illinois (TRS) to establish a health insurance program for benefit recipients and their dependents, with annuitants paying 50% of the cost; and

WHEREAS, In 1991, the General Assembly authorized TRS to increase

[May 8, 2001]

the subsidy from 50% to 75% to achieve closer parity with State retirees' health insurance premiums; and

WHEREAS, In 1995, the General Assembly transferred the health insurance program from TRS to the State of Illinois, to be administered by the Department of Central Management Services (CMS), and established the Teachers' Retirement Insurance Program (TRIP); and

WHEREAS, The General Assembly reduced the premium subsidy for the traditional indemnity plan from 75% to 50%; and

WHEREAS, The General Assembly mandated that active teachers pay 0.50% of their salary to help finance the CMS program; and

WHEREAS, The General Assembly mandated the State of Illinois to match the contributions of the active teachers to help finance the CMS program; and

WHEREAS, The Illinois Economic and Fiscal Commission reported in November of 2000 that current revenues would not be able to fund the current TRIP, with a shortfall of \$9.3 million by the end of fiscal year 2002; and

WHEREAS, The Illinois Economic and Fiscal Commission updated its report in April of 2001, increasing the shortfall to \$37.6 million by the end of fiscal year 2002; and

WHEREAS, TRS has hired a health insurance actuary to provide an independent review of the current TRIP funding status and an analysis of TRIP's projected financial needs, along with possible alternative scenarios; and

WHEREAS, The Illinois Economic and Fiscal Commission identified 4 possible funding sources for increasing TRIP funding: retiree premiums, active teacher contributions, State contributions, and a new contribution requirement for school districts; and

WHEREAS, CMS has proposed an increase to 70% for annuitant and dependent premiums; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Governor reduce the 70% proposal by the Department of Central Management Services to a level similar to previous years' increases; and be it further

RESOLVED, That a TRIP Funding Task Force be established, composed of 3 members appointed by the President of the Senate, 3 members appointed by the Minority Leader of the Senate, 3 members appointed by the Speaker of the House, 3 members appointed by the Minority Leader of the House, one member appointed by the Illinois Retired Teachers Association, one member appointed by the Illinois Education Association, one member appointed by the Illinois Federation of Teachers, 2 members appointed by the Illinois Statewide School Management Alliance, and the Director of Central Management Services or his or her designee, to study the current funding shortfall and to report its recommendations on a solution to the General Assembly on or before November 1, 2001; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor, the Illinois Retired Teachers Association, the Illinois Education Association, the Illinois Federation of Teachers, the Illinois Statewide School Management Alliance, and the Director of Central Management Services.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

[May 8, 2001]

Senate Amendment No. 1 to House Bill 148
Senate Amendment No. 2 to House Bill 176
Senate Amendment No. 1 to House Bill 3576

At the hour of 12:55 o'clock p.m., on motion of Senator Weaver,
the Senate stood adjourned until Wednesday, May 9, 2001 at 12:00
o'clock noon.

[May 8, 2001]